

## **Guidelines for Trainers and Training Providers**

Michigan Compiled Laws §780.991(4) provides that “The MIDC shall establish standards for trainers and organizations conducting training that receive MIDC funds for training and education. The standards established under this subsection must require that the MIDC analyze the quality of the training, and must require that the effectiveness of the training be capable of being measured and validated.”

### **Purpose**

Attorneys in Michigan accepting adult indigent criminal case assignments must annually complete continuing legal education relevant to their indigent defense clients. MCL §780.991(2)(e). Every trial court funding unit in Michigan must submit a plan for compliance with the Standards, including MIDC Standard 1 - Training and Education of Defense Counsel, and a cost analysis to ensure sufficient funding to comply with the Standards. Systems shall only employ attorneys who have attended the required training described in MIDC Standard 1. *Standards for Trainers and Training Providers* shall serve as a supplement to Standard 1 and provide guidance for compliance with Standard 1.

### **Development of Training Programs**

Training providers should be identified, selected, or approved by each funding unit to design or deliver courses for new and/or experienced attorneys that meet the objectives of Standard 1.

### **Program Development**

The following steps should be taken when developing any program:

1. *Identify training needs and objectives and substantive content planning.* When possible, planning should be done by a group largely composed of defense attorneys. Attorneys accepting assignments should also be surveyed periodically to identify training needs. Systems may consider surveying other stakeholders, including judges, for potential topics to cover in trainings.
2. *Determine the type of training to be provided.*
  - a. Skills Training for New Attorneys. A “basic skills acquisition” course should be a two day-long (or more) program involving a live and interactive approach to learning core trial skills relevant to indigent criminal defense. Typically, these programs involve 16-24 hours of hands-on skills training. The courses do not have to be delivered on consecutive days.
  - b. Continuing Legal Education (“CLE”). The annual requirement for training should cover topics including knowledge of the law, knowledge of scientific evidence and

applicable defenses, knowledge of technology, and other topics relevant to practicing indigent criminal defense.

3. *Identify the person or group responsible for training and generally describe their responsibilities.* Trainers should adhere to the *Standards for Trainers* described below.
4. *Determine the training format and location for the training.* Sessions can be presented live and in person and/or online.
5. *Determine the training method.* Sessions can be in a plenary format, small group, and/or breakout sessions. The content for annual CLE can generally be delivered through demonstration, lecture, and/or an interactive participation method. Skills training must be live and interactive.
6. *Determine the length of the training.* The hours of training that will count towards satisfaction of Standard 1 should be communicated to attorneys prior to training through advertisement or the registration process. The training provider should take steps to ensure it is able to provide the number of CLE hours it advertises.

## **Record Attendance**

Training providers should develop and communicate a consistent method for tracking attendance by attorneys at training events. This can include self-tracking by attendees on a form supplied by the training provider. *Reporting attendance* is addressed below.

The time spent in training should be tracked in hours, reduced in  $\frac{1}{4}$  increments for any portion of the hour that the attorney chooses to be absent from the training. For sessions spanning several hours, the following model for tracking time should be used:

- For every three consecutive hours of training, a planned 15-minute break should not be deducted from the hours spent in training.
- For every eight consecutive hours of training, a planned 30 minute group or working lunch (or similar) break should not be deducted from the hours spent in training.

Local systems and training providers should communicate any penalty or consequence to attorneys who repeatedly register for a training event but who fail to attend.

## **Evaluations**

All trainings must be evaluated by the attendees. The evaluations should seek to ensure that the objectives of the training were met and provide feedback about the quality of the training provided. A summary or synopsis of the evaluations collected must be submitted upon request to the MIDC.

## **Best Practices**

Training objectives and a detailed agenda should be supplied or communicated to trainees prior to the training session.

All trainings for assigned counsel should incorporate client-centered representation values, and reinforce the concept that the attorney's role is to respect the stated interests of their clients.

Whenever possible, any and all relevant ethical principles should be incorporated into the training objectives and content delivered.

## **Standards for Trainers**

### **General Statement**

The training community must be committed to diversity and inclusion. Training providers must be devoted to creating programs with diverse participants and trainers. Systems and training providers must be dedicated to recruiting, developing, and encouraging the contributions that trainers bring in terms of their education, opinions, culture, ethnicity, race, sex, gender identity and expression, nation of origin, age, languages spoken, veteran's status, color, religion, disability, sexual orientation and beliefs.

### **Qualifications of Trainers**

A trainer must be able to demonstrate experience or expertise in the subject matter being taught.

### **Expectations of Trainers**

Trainers must promote an environment of encouragement and support for trainees and create a space that is safe, positive, and constructive for all participants. Trainers should prepare and provide training materials to participants in a timely manner, adhere to the agenda including specified lesson time, and answer questions or provide feedback to trainees as expected for the training format.

## **Reporting Attendance**

### **Format**

In order for attorneys to receive CLE credit, systems must ensure that any reporting is submitted in the format approved by the MIDC, and include the following information:

- The attorney's first and last name as it appears on the attorney's bar card. The use of nicknames, abbreviated names, and lack of Jr & Sr designations is not permitted.

- The attorney's P#.
- The trainer/training provider. For example: CDAM, SADO, NAPD, Bar Association, PD Office, or individual(s).
- The type of training: skills training or annual CLE.
- The format of the training, whether in person with location, online, or recorded. For recorded trainings, the date of the original recording must be provided.
- The accurate number of hours spent in training, recorded in 1/4 hour increments for any portion of the hour that the attorney chooses to be absent from the training.
- ANY CLE information that is submitted with incorrect/incomplete/ineligible information will be returned to sender (individual, office, system or provider).

### **Timing**

Documentation of attendance not submitted to the MIDC within 30 days after completion of the course(s) may be invalidated.

### **False Reporting**

An attorney intentionally misreporting the time spent in training may be reported by the MIDC to the Attorney Grievance Commission.

### **Comments:**

1. *The MIDC's Director of Training, Outreach and Support should be used as a resource to assist in compliance with these standards.*
2. *Practical experience such as serving as a second chair during trial should not be counted towards the annual CLE requirement of MIDC Standard 1 but may be considered among an attorney's qualifications as set forth in MIDC Standard 7.*
3. *The MIDC discourages any general policy limitation on the number of online events that an attorney may attend each calendar year.*
4. *MIDC Standard 1 states that attorneys shall have reasonable knowledge of substantive the law, scientific evidence and applicable defenses, and technology. ABA Principle 4 – 1.12:*  
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